

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)				Docket No. SII-04	
In Re Application Of: DJang, Arthur					
Application No. 10/563,713	Filing Date 07 January 2006	Examiner	Customer No.	Group Art Unit	Confirmation No.
Invention: Dietary supplement for promoting control of blood-sugar levels and associated pathology in type 2 diabetes					
<div style="text-align: center;"> <p><u>Attention: Office of Petitions</u></p> <p>Mail Stop Petition <i>PCT</i></p> <p>COMMISSIONER FOR PATENTS <i>PCT Legal Office</i></p> <p><u>P.O. Box 1450</u></p> <p><u>Alexandria, VA 22313-1450</u></p> </div> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> A proposed reply to the above-identified Office Action: <div style="margin-left: 20px;"> <input type="checkbox"/> is enclosed. <input checked="" type="checkbox"/> was filed on <u>January 11, 2007</u> </div> <div style="margin-left: 20px;"> The proposed reply is in the form of: <u>letter & check for \$405 in reply to Notice of Insufficient Fees</u> </div> 2. <input type="checkbox"/> The issue fee: <div style="margin-left: 20px;"> <input type="checkbox"/> is enclosed. <input type="checkbox"/> was paid on _____ </div> 3. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 4. <input type="checkbox"/> The abandoned application was a: <div style="margin-left: 20px;"> <input type="checkbox"/> design application. <input type="checkbox"/> utility application. <input type="checkbox"/> plant application. </div> 5. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed. 6. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. 					

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
SII-04

In Re Application Of: DJang, Arthur

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/563,713	07 January 2006				

Invention: Dietary supplement for promoting control of blood-sugar levels and associated pathology
in type 2 diabetes

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for reply in the amount of: _____
9. ☐ Issue fee in the amount of: _____
10. ☐ Continuing application filing fee in the amount of: _____
11. ☐ Terminal disclaimer fee in the amount of: _____
12. ☐ _____
- Total fees enclosed: \$750.00

The fee of \$750 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. 03/12/2007 GFREY1 00000081 10563713 01 FC:2453 750.00 00
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be
included on this form. Provide credit card information and authorization on PTO-2038.**

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
SII-04

In Re Application Of:
DJang, Arthur

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/563,713	07 January 2006				

Invention: Dietary supplement for promoting control of blood-sugar levels and associated pathology
in type 2 diabetes

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

Arthur H.K. DJang
President
Sante International, Inc.

Dated: 7 March 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

7 March 2007
(Date)


Signature of Person Mailing Correspondence

Arthur H.K. DJang
Typed or Printed Name of Person Mailing Correspondence

see attached letter of explanation

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/563,713

For: Dietary supplement for promoting control of blood-sugar levels and associated pathology in type 2 diabetes

Applicant: DJang, Arthur

Filing Date: 07 January 2006

PCT Legal Office
Mail Stop-PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**LETTER TO SUPPORT PETITION FOR REVIVAL OF AN A
APPLICATION FOR PATENT APPLICATION UNINTENTIONALLY
ABANDONED (37 CFR 1.137(b))**

Dear Sir:

- 1) This patent application was filed in the U.S. under 35 U.S.C. 371 (see copy of Transmittal letter, attached hereto).
- 2) Per page 3 of the Transmittal letter, all correspondence concerning this application is to be sent to:

Arthur H.K. DJang, MD
Sante International, Inc.
111 West Second Street, Suite 4000
Jamestown, New York, 14701
- 3) After not having received any correspondence for this application by December 2006, I asked Mr. M. Bud Nelson (a patent attorney who assists me from time to time) in late December of 2006 to see if he could find out the status of the patent application.
- 4) Mr. M. Bud Nelson informed me that he searched the U.S. Patent and Trademark Office website, using Public PAIR, and found that a Notice of Insufficient Fees was mailed on 04/27/2006. In early January 2007, he forwarded to me a copy of that Notice of Insufficient Fees and advised me to pay the insufficient fees. There was no due date on the Notice of Insufficient Fees (see copy attached).

5) I immediately sent a letter with a check for \$405 requested by the Notice of Insufficient Fees (see copy of my attached Letter dated January 11, 2007 with check # 2266).


6) Neither my office personnel nor I received the mailed, original Notice of Insufficient Fees.

7) No docket record has been prepared for just this application (MPEP 711.03(c)), as this is a newly filed application, and no correspondence has yet to be received by the U.S. Patent and Trademark Office. However, attached is a copy of our docket report for our intellectual property portfolio during this time period, into which is entered Office Actions we receive, and you will note that no Office Action had been received for this application.

8) Lastly, I ask the U.S. Patent and Trademark Office to verify the insufficiency of funds. In looking at the copy of Transmittal letter (attached hereto), the claims fee of \$400 and the total of fees in lines 24, 25, and 26 was \$400. As shown by Form PCT/US1/REV07, by the Applicant correctly claiming small entity status, the fees were reduced by $\frac{1}{2}$. That means \$400 was due. Add \$40 for assignment recordal, the Total Fees due was \$440. That is the amount I paid upon filing the application.

Based on the above facts, I look for a favorable action on this Petition to revive this application which was unintentionally abandoned.

Santé International, Inc.

By:  Date: 7 March 2007
Arthur DJang
President



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,713	Arthur H.K. Djang	SII-04

Arthur H. K. Djang
Sante International, Inc
111 West Second Street
Suite 4000
Jamestown, NY 14701

INTERNATIONAL APPLICATION NO.	
PCT/US04/22330	
I.A. FILING DATE	PRIORITY DATE
07/13/2004	07/17/2003

CONFIRMATION NO. 1524

371 FORMALITIES LETTER



OC000000018616859

Date Mailed: 04/27/2006

Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/07/2006
- Copy of the International Search Report filed on 01/07/2006
- Information Disclosure Statements filed on 01/07/2006
- Oath or Declaration filed on 01/07/2006
- Small Entity Statement filed on 01/07/2006
- Request for Immediate Examination filed on 01/07/2006
- U.S. Basic National Fees filed on 01/07/2006
- Assignment filed on 01/07/2006
- Priority Documents filed on 01/07/2006
- Specification filed on 01/07/2006
- Claims filed on 01/07/2006
- Abstracts filed on 01/07/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$405 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$405 for a Small Entity:

- Total additional claim fee(s) for this application is \$ 405

ARTHUR H.K. DJANG, M.D., Ph.D., M.P.H.

DIPLOMATE, THE AMERICAN BOARD OF PATHOLOGY, ANATOMIC & CLINICAL
DIPLOMATE, THE AMERICAN BOARD OF NUCLEAR MEDICINE
website: www.santeintl.com

Santé International, Inc.
111 West Second Street, Suite 4000
Jamestown, New York 14701
Telephone: 716-664-7255
Fax: 716-484-0169

Jan 11, 2007

United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313

Dear Sir:

Please note, I did not receive
the notification of insufficient Fees,
until yesterday.

Enclosed please find a check # 405⁰⁰
to cover the insufficient fee.

Sincerely yours

 M.D.

S SANTE INTERNATIONAL INC
111 W 2nd St Ste 4000
Jamestown, NY 14701-5207

2266

Jan 10, 2007
Date

10-2/220

Pay to the
Order of

US Patent Office

\$ 405⁰⁰

four hundred and five Dollars

HSBC

HSBC Bank USA Jamestown, NY 14701

For 10/563, 713

⑆022000020⑆620891483⑆ 2266

SANTÉ INTERNATIONAL TRADEMARK & PATENT STATUS
updated 09/17/2006

TRADEMARKS

1. Pending applications

	Santé ref #
Camellin Appl. No. 76663328	A-TM-23
Not yet examined	
Nutrimaxx Appl. No. 76657614	A-TM-22
Office Action sent on 15 Sept. 2006 requesting info	
Deadline for Response: 15 March 2007	
Perk Appl. No. 76650277	A-TM-21
To be abandoned	
Thé Man Appl. No. 76639495	A-TM-20
Status: Notice of Allowance 06/20/2006	
To be abandoned	
Pomecran Appl. No. 76639496	A-TM-19
To be abandoned	
Rejuvenin Appl. No. 76639497	A-TM-18
(dietary supplement)- suspended by Examiner	
Rejuvenin Appl. No. 76639498	A-TM-17
(facial cleansers, facial scrub)	
Status: Notice of Allowance 05/09/2006	
Deadline for Response: 09 May 2007 File Statement of Use or 2nd ext.	
MÉGRANI Appl. No. 76639499	A-TM-16
Status: Notice of Allowance 05/09/2006	
Deadline for Response: 09 May 2007 File Statement of Use or 2nd ext.	
Kurcumijin Appl. No. 76622170	A-TM-14
Status: Notice of Allowance 07 February 2006	
Deadline for Response: 07 February 2007 File Statement of Use or 2nd ext.	
Oncolyn Appl. No. 76605918 (skin care products)	
Status: Notice of Allowance 27 September 2005	
Deadline for Response: 27 March 2007 File Statement of Use or 3rd ext.	
Rejuvenin Appl. No. 76544996	A-TM-13
Status: in process of issuing registration	
Nasbesilin Appl. No. 76544995	A-TM-11
Status: Notice of Allowance 10 August 2004	
Deadline for Response: 10 February 2007 File Statement of Use	

2. Registrations

Longevity Crystal	Reg. No. 2198858	20 October 1998
Sections 8&15 Affidavits accepted		
[Design]	Reg. No. 2232622	16 March 1999
Sections 8&15 Affidavits accepted		
Oncolyn	Reg. No. 2408283	28 November 2000
filed Sections 8&15 Affidavits on 01/07/2006		
Ultra Extract	Reg. No. 2758507	02 September 2003
Next deadline: between 02 September 2008 and 02 September 2009 file Sections 8&15 Affidavits		
Mellinol	Reg. No. 2784720	18 November 2003
Next deadline: between 18 November 2008 and 18 November 2009 file Sections 8&15 Affidavits		
Cardio CP	Reg. No. 2863452	13 July 2004

Next deadline: between 13 July 2009 and 13 July 2010 file Sections 8&15 Affidavits
Memory-Gold* Reg. No. 2931327 08 March 2005
Next deadline: between 08 March 2010 and 08 March 2011 file Sections 8&15 Affidavits
Viranox Reg. No. 2935251 22 March 2005
Next deadline: between 22 March 2010 and 22 March 2011 file Sections 8&15 Affidavits
Bariatol Reg. No. 2942370 19 April 2005
Next deadline: between 19 April 2010 and 19 April 2011 file Sections 8&15 Affidavits
Live Longer Feel Better Look Younger Reg. No. 3133536 22 August 2006
Next deadline: between 22 August 2011 and 22 August 2012 file Sections 8&15 Affidavits

U.S. PATENTS

1. Pending Applications

Dietary supplement for promoting control of blood-sugar levels and associated pathology in type 2 diabetes

A) Filed US application on 07 Jan. 2006

B) Canadian patent application no. 2,532,332 Office Action Response due 08 March 2007

2. Issued U.S. Patents

Herbal extract composition containing *Gynostemma pentaphyllum*, *Crataegus pinnatifidia*, and *Camellia sinensis*

US Pat. No. 5,910,308

Issued 08 June 1999

Next deadline: by 08 December 2010 (11.5 year maintenance fee payment)

Method for anticancer therapy using an herbal extract composition

US Pat. No. 6,168,795

Issued 02 January 2001

Next deadline: by 02 July 2008 (7.5 year maintenance fee payment)

Method for inhibiting pathogenesis associated with particle inhalation

US Pat. No. 6,713,094

Issued 30 March 2004

Next deadline: by 30 September 2007 (3.5 year maintenance fee payment)

SII-04

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US2004/022330

INTERNATIONAL FILING DATE
13 July 2004

PRIORITY DATE CLAIMED
17 July 2003

TITLE OF INVENTION

Dietary supplement for promoting control of blood-sugar levels and associated pathology in Type 2 diabetics

APPLICANT(S) FOR DO/EO/US

DJang, Arthur H.K.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EQ 131242061 US**

U.S. APPLICATION NO (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/US2004/022330	ATTORNEY'S DOCKET NUMBER SII-04
23. Other items or information:		
The following fees have been submitted:		CALCULATIONS PTO USE
24. <input checked="" type="checkbox"/> Basic national fee \$300		\$ 300.00
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). \$0 All other situations. \$200		\$ 0.00
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). ... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500		\$ 100.00
TOTAL OF 24, 25 and 26 =		\$ 400.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
0 - 100 =	0 /50 =	0
		x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	19 - 20 =	0
		x \$50.00
Independent claims	5 - 3 =	2
		x \$200.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00		\$ 0.00
TOTAL OF ABOVE CALCULATIONS =		\$ 800.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 400.00
SUBTOTAL =		\$ 400.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00
TOTAL NATIONAL FEE =		\$ 400.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$ 40.00
TOTAL FEES ENCLOSED =		\$ 440.00
		Amount to be \$
		Amount to be \$


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ \$440.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Arthur H.K. DJang, M.D.
Sante International, Inc.
111 West Second Street, Suite 4000
Jamestown, New York 14701


SIGNATURE

M. Bud Nelson

NAME

35,300

REGISTRATION NUMBER

07 January 2006

DATE